

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

CONGRESSIONAL BUDGET JUSTIFICATION

AND

ANNUAL PERFORMANCE PLAN



FISCAL YEAR 2020

MARCH 18, 2019

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

EXECUTIVE SUMMARY

The Federal Mine Safety and Health Review Commission (Commission) is an independent adjudicatory agency that provides administrative trial and appellate review of legal disputes arising under the Federal Mine Safety and Health Act of 1977 (Mine Act), as amended. Section 113 of the Mine Act establishes the Commission and sets forth its responsibilities. The Mine Improvement and New Emergency Response Act of 2006, P.L. 109-236 (MINER Act) added an additional responsibility to the Commission: resolving disputes between the Secretary of Labor and underground coal operators with respect to the contents of emergency response plans or the Secretary's refusal to approve such plans.

The Commission's overall management priority continues to be the expeditious, fair, and legally sound adjudication of cases at the trial and appellate levels. To accomplish this mission, the Commission is requesting a budget level of \$17,184,000 in FY 2020 to support the full-time equivalent (FTE) of 73 staff members. This budget is the same as the Commission's FY2019 Enacted level.

Most cases that come before the Commission involve civil penalties proposed by the Department of Labor's Mine Safety and Health Administration (MSHA) against mine operators. The Commission is responsible for addressing whether the alleged violations occurred, as well as the assessment of appropriate civil penalties. Other types of cases include contests of MSHA orders to close a mine for health or safety reasons, miners' charges of discrimination based on their complaints regarding health or safety, and miners' requests for compensation after being idled by a mine closure order. Disputes involving emergency response plans or the temporary reinstatement of a miner must be decided on an expedited basis.

The Commission's administrative law judges (judges) decide cases at the trial level. The five-member Commission provides administrative appellate review. Review of a judge's decision by the Commission is not automatic, and requires the approval of at least two commissioners. Most of the cases accepted for review are generated from petitions filed by parties adversely affected by a judge's decision. In addition, the Commission, on its own initiative, may decide to review a case. A judge's decision that is not accepted for review becomes a final, non-precedential order of the Commission. Appeals from the Commission's decisions are to the federal circuit courts of appeals.

Cases at the trial level are handled by the Commission's Office of Administrative Law Judges (OALJ). It is estimated the OALJ will receive 3,623 new cases for review in FY 2020. It is estimated there will be 3,616 dispositions, and that the year-end balance will be 1,730 cases.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

We expect that the Commission will accept 61 new cases for appellate review by commissioners, including 20 substantive cases and 41 “default” cases. The Commission projects 15 undecided substantive appellate-level cases on hand at the start of FY 2020. During FY 2020, it is expected that 20 substantive cases will be disposed. Thus, the substantive case inventory at the end of the year is estimated to be 15.

Resolving substantive cases is the primary focus of the resources of the five-member Commission and the Office of General Counsel (OGC). In deciding these cases, the commissioners, with the assistance of the OGC, review and analyze extensive briefs filed by the parties, sometimes conduct an oral argument, and issue a decision which addresses the major contentions raised by the parties and resolves the disputed legal and factual issues raised to the Commission.

In addition to petitions for review in substantive cases, the Commission at the appellate level considers requests to reopen cases in which a mine operator is in default for failing to timely respond to the Secretary’s proposed penalty or to a judge’s order. These cases are referred to as “default” cases.

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MISSION

The Federal Mine Safety and Health Review Commission is an independent adjudicatory agency charged with resolving disputes arising from the enforcement of safety and health standards in the nation's mines. Under its authorizing statute, the Mine Act, the Commission does not regulate the mining industry, nor does it enforce the Mine Act; those functions are delegated to the Secretary of Labor acting through MSHA. The Commission's mission is to provide just, speedy, and legally sound adjudication of proceedings authorized under the Mine Act, thereby enhancing compliance with the Act and contributing to the improved health and safety of the nation's miners.

The scope of the Commission's mission was expanded by the passage of the MINER Act in 2006. That statute amended the Mine Act and vested the Commission with the responsibility for resolving disputes over the contents of mine emergency plans adopted by underground coal mine operators and submitted to MSHA for review and approval. The MINER Act imposed tight deadlines on the Commission and its judges with respect to these proceedings, and the Commission has adopted procedural rules to implement those deadlines.

FUNCTIONS AND PROCEDURES

The Commission carries out its responsibilities through trial-level adjudication by judges and appellate review of judges' decisions by a five-member Commission appointed by the President and confirmed by the Senate. Most cases involve civil penalties assessed against mine operators by MSHA, and address whether or not the alleged safety and health violations occurred and if so, the degree of gravity and negligence involved. Other types of cases involve mine operators' contests of mine closure orders, miners' complaints of safety or health related discrimination, miners' applications for compensation after a mine is idled by a closure order, and review of disputes between MSHA and underground coal mine operators relating to those operators' mine emergency plans.

Once a case is filed with the Commission, it is referred to the Chief Administrative Law Judge (Chief Judge). Thereafter, litigants in the case must submit additional filings before the case is assigned to a judge. To expedite the decisional process, the Chief Judge may rule on certain motions and, where appropriate, issue orders of settlement, dismissal, or default. Otherwise, once a case is assigned to an individual judge, that judge is responsible for the case and rules upon motions and settlement proposals. If a hearing is necessary, the judge schedules and presides over the hearing, and issues a decision based upon the record. A judge's decision becomes a final, non-precedential

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order of the Commission unless it is accepted for review by the five-member Commission.

The Commission also provides administrative appellate review. It may, in its discretion, review decisions issued by judges when requested by a litigant, or it may, on its own initiative, direct cases for review. The Commission's decisions are precedential, and appeals from the Commission's decisions are heard in the federal courts of appeal.

The Office of the Executive Director supports the above functions by providing budget and financial management, and administrative and technical services, including human resources and information technology, procurement and contracting, and facilities management.

STRATEGIC GOALS

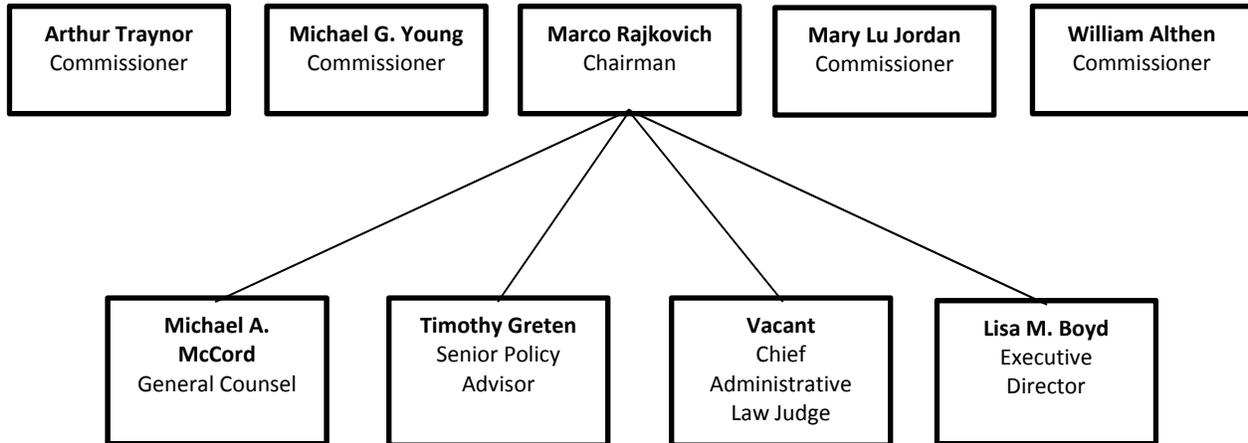
The Commission has two strategic goals:

Strategic Goal 1: Ensure expeditious, fair, and legally sound adjudication of cases

Strategic Goal 2: Manage the Commission's human resources, operations, facilities, and information technology systems to ensure a continually improving, effective, and efficient organization

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

**KEY PERSONNEL
ORGANIZATION CHART**



FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

COMMISSION MEMBERS

| <u>NAME</u> | <u>TERM EXPIRATION</u> |
|----------------------------|------------------------|
| Michael G. Young | August 30, 2020 |
| Mary Lu Jordan | August 30, 2020 |
| Arthur Traynor | August 30, 2022 |
| Marco Rajkovich (Chairman) | August 30, 2024 |
| William Althen | August 30, 2024 |

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

APPROPRIATION LANGUAGE

SALARIES AND EXPENSES

For necessary expenses for the Federal Mine Safety and Health Review Commission \$17,184,000. (Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2019.)

Authorizing Legislation

Authorizing Legislation Containing Indefinite Authority
Federal Mine Safety and Health Act of 1977, as amended (30 U.S.C. § 801 et seq.)

Dollars in thousands

| | FY 2018 Actual | FY 2019 Enacted | FY 2020 Request |
|------------------|---------------------------|----------------------------|----------------------------|
| Budget Authority | \$16,371 | \$17,184 | \$17,184 |
| Authorized FTE | 76 | 73 | 73 |

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

PRESIDENT'S MANAGEMENT AGENDA

The Commission will be launching or continuing initiatives incorporating the President's Management Agenda in FY2020. These include:

- Modernizing the Commission's Information Technology infrastructure and software to accommodate
 - PIV-card access to key systems
 - Cybersecurity improvements
 - Software upgrades, including migrating to Microsoft Office 365
- Continuing the publication of agency budget and performance metrics on our internet portal
- Continuing to improve case pendency, with an emphasis on resolving any remaining older cases, to provide the quickest resolution possible to parties before the Commission

JUSTIFICATION BY FUNCTION

GENERAL STATEMENT

The Commission was established as an independent agency by section 113(a) of the Federal Mine Safety and Health Act of 1977. The Commission fulfills its mission through three functions.

The Office of the Administrative Law Judges (OALJ) function provides trial-level adjudication by judges. At the trial level, the Commission's judges hear and decide cases initiated by the Secretary of Labor, mine operators, miners, and miners' representatives.

The Commission Review function is carried out by the five-member Commission, its staff, and the Office of the General Counsel (OGC). The Commission hears appeals of judges' decisions by granting a petition for discretionary review from one or more of the parties or by directing review on its own motion. In addition, at the appellate level, the Commission considers motions to reopen cases where an operator has failed to timely contest a proposed penalty or to timely respond to the Secretary of Labor's penalty petition.

The Office of the Executive Director (OED) function supports both the trial-level and appellate functions by providing budget management, administrative and technical services.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

| Summary by Function | | | | | | |
|------------------------------|---------------------------|-----------------|----------------------------|-----------------------------|----------------------------|-----------------------------|
| Dollars in thousands | | | | | | |
| Function | FY 2018 Actual | | FY 2019 Enacted | | FY 2020 Request | |
| | FTE | Actual | FTE | Budget Authority | FTE | Budget Authority |
| Administrative Law Judge | 43 | \$9,650 | 43 | 9,956 | 43 | 9,956 |
| Commission Review | 25 | \$4,923 | 22 | 5,558 | 22 | 5,558 |
| Office of Executive Director | 8 | \$1,797 | 8 | 1,670 | 8 | 1,670 |
| Total | 76 | \$16,371 | 73 | \$17,184 | 73 | \$17,184 |

ADMINISTRATIVE LAW JUDGE FUNCTION

| Administrative Law Judge Function | | | |
|--|---------------------------|----------------------------|----------------------------|
| Dollars in thousands | | | |
| | FY 2018 Actual | FY 2019 Enacted | FY 2020 Request |
| Budget Authority | \$9,650 | \$9,956 | \$9,956 |
| FTE | 43 | 43 | 43 |

Introduction

The Commission employs administrative law judges to hear and decide contested cases at the trial level. The judges travel to hearing sites located at or near the mine involved in order to afford mine operators, miners and their representatives a full opportunity to participate in the hearing process. Commission judges are also responsible for evaluating and approving or denying settlement agreements proposed by the parties under the Mine Act.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

The Commission's FY 2019 budget includes the following strategic objective for the Administrative Law Judge function:

- Ensure timely issuance of decisions at the trial level.

FY 2020

The Commission's FY 2020 budget request includes 43 FTEs and \$9,956,390 for OALJ.

The FY 2020 request includes law clerks and legal assistants to support the judges, and docket clerks to maintain case files and process and record documents filed with the Commission. The Commission has established a pendency goal for trial level cases of 200 days for FY 2020. Pendency is the average time between receipt of a case and case disposition.

The Commission estimates that 1,723 trial level cases will be pending at the beginning of FY 2020. New case filings are expected to remain steady from the FY 2019 level. As such, the Commission anticipates that it will receive 3,510 new cases during FY 2020, and will dispose of 3,616 cases during the same period.

FY 2019

The Commission received a budget of \$9,956,390 and 43 FTE for OALJ activities in FY 2019.

FY 2018

The Commission's actual expenditure for FY 2018 activities was \$9,650,561 with 43 FTE authorized.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

**Administrative Law Judge Function -
Caseload Data**

| | FY 2018 Actual | FY 2019 Estimate | FY 2020 Estimate |
|--|-------------------|---------------------|---------------------|
| Cases pending beginning of year | 2,834 | 1,730 | 1,723 |
| Assessment of civil penalty | 2,380 | 1,312 | 1,260 |
| Notice of contest | 397 | 368 | 402 |
| Discrimination and compensation | 53 | 48 | 58 |
| Other | 4 | 2 | 3 |
| New cases received | 3,510 | 3,623 | 3,623 |
| Assessment of civil penalty | 2,948 | 3,048 | 3,048 |
| Notice of contest | 491 | 500 | 500 |
| Discrimination and compensation | 57 | 60 | 60 |
| Other | 14 | 15 | 15 |
| Total case workload | 6,344 | 5,353 | 5,346 |
| Assessment of civil penalty | 5,328 | 4,360 | 4,308 |
| Notice of contest | 888 | 868 | 902 |
| Discrimination and compensation | 110 | 108 | 118 |
| Other | 18 | 17 | 18 |
| Cases disposed | 4,614 | 3,630 | 3,616 |
| Assessment of civil penalty | 4,016 | 3,100 | 3,100 |
| Notice of contest | 520 | 466 | 450 |
| Discrimination and compensation | 62 | 50 | 50 |
| Other | 16 | 14 | 16 |
| Cases pending end of year | 1,730 | 1,723 | 1,730 |
| Assessment of civil penalty | 1,312 | 1,260 | 1,208 |
| Notice of contest | 368 | 402 | 452 |
| Discrimination and compensation | 48 | 58 | 68 |
| Other | 2 | 3 | 2 |

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Administrative Law Judge Function – Strategic Objectives

| Strategic Objective 1.1 Ensure timely issuance of decisions at the trial level | | | | |
|--|----------|----------|----------|----------|
| Performance Goal | FY | FY | FY | FY |
| | 2018 | 2018 | 2019 | 2020 |
| | Target | Actual | Target | Target |
| 1.1.1 Average time from receipt to disposition of all cases | 290 days | 257 days | 260 days | 240 days |
| 1.1.2 Average time from receipt to disposition of penalty cases | 280 days | 257 days | 250 days | 235 days |
| 1.1.3 Percent of all cases on hand over 365 days in age | 15% | 10% | 10% | 10% |

COMMISSION REVIEW FUNCTION

| Commission Review Function | | | |
|----------------------------|----------------|-----------------|-----------------|
| Dollars in thousands | | | |
| | FY 2018 Actual | FY 2019 Enacted | FY 2020 Request |
| Budget Authority | \$4,923 | \$5,558 | \$5,558 |
| Authorized FTE | 25 | 22 | 22 |

Introduction

The Commission Review function incorporates the responsibilities of the Commissioners and the Office of the General Counsel in the appellate review function. The five-member Commission decides two principal types of cases:

- (1) *Substantive cases*, which are cases in which a judge has issued a final or interlocutory decision on the merits and the Commission has granted a

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petition for review filed by either party, or at least two Commissioners have decided to grant review on their own initiative.

- (2) *Default cases*, which are cases where an operator has failed to timely contest a proposed penalty or to timely respond to a judge's order and the operator has filed a motion to reopen the final order.

The general authority for the review of judges' decisions is set forth in section 113(d)(1) of the Mine Act. The Act states that a judge's decision shall become final 40 days after its issuance, unless within that period any two commissioners direct that the decision be reviewed. Most substantive cases come before the Commission when two or more commissioners vote to grant a petition for discretionary review filed by a party adversely affected or aggrieved by the judge's decision. The Commission may also consider a judge's interlocutory ruling under certain circumstances.

Two or more commissioners may also direct any judge's final decision for review *sua sponte* (on the Commission's own motion, without the parties filing a petition). *Sua sponte* review is limited to judges' decisions that are contrary to law or Commission policy, or that present a novel question of policy.

By law, a quorum of three commissioners is required to decide substantive cases. When the Commission lacks a quorum of commissioners, it cannot issue decisions (and as the Commission sometimes lacks a quorum, this may affect the average time required to reach decisions). Many cases involve the interpretation of safety and health standards and regulations promulgated by MSHA. Even more than 40 years after the Mine Act was enacted, Commission cases may present issues of first impression, involving points of law that have not been resolved by prior decisions of the Commission or the courts.

The Office of General Counsel (OGC) is responsible for conducting the initial research in substantive cases and preparing draft opinions for Commission members. OGC plays an important role in handling substantive cases that have been accepted for review by the commissioners. The OGC attorneys also perform other duties, such as responding to FOIA requests, ethics counseling and training, and review of financial disclosure forms. Those duties have substantially increased with the size of the Commission's staff. In addition, OGC is primarily responsible for formulating and drafting the Commission's rulemaking initiatives, such as those involving more efficient settlement procedures and simplified proceedings for litigating certain categories of cases. Finally, since the dramatic expansion of the Commission's workload beginning

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in 2007, legal counsels for commissioners have served as both OGC attorneys and counsel or have served as counsel for more than one commissioner.

The Commission has established the following strategic objective for the Commission review function.

- Ensure timely issuance of decisions at the appellate level.

FY 2020

The Commission is requesting a budget of \$5,557,525 and 22 FTE for its appellate review activities in FY 2019.

The appellate caseload includes several types of cases, including those where by law the Commission must issue rulings very quickly. For example, the Commission hears appeals of temporary reinstatement orders in discrimination cases. Section 105(c)(2) of the Mine Act authorizes the Commission to order reinstatement “on an expedited basis” and to provide a hearing if the operator requests one. Pursuant to the Commission’s procedural rules, appeals of these types of decisions must be adjudicated within 20 days of the judge’s order granting or denying reinstatement. The commissioners’ workload also includes deciding whether to accept petitions for discretionary review, which by statute must generally be granted or denied within approximately ten days of being filed.

In FY 2020, it is expected that 44 substantive and default cases will be pending before the Commission at the beginning of the year, and an estimated 61 new cases will be filed during the year. Approximately 62 dispositions are expected, of which an estimated 20 will be substantive cases and 42 will be default cases. Thus, it is anticipated that the Commission’s appellate docket will contain 43 undecided cases at the end of FY 2020. The legal proceedings involved in disposing of substantive cases is expected to average twelve months. Therefore, the cases disposed of during one year include both cases that were received in a previous year but not disposed of that year (cases pending end of year), and new cases received during the current year.

FY 2019

The Commission received a budget of \$5,557,525 and 22 FTE for its appellate review activities in FY 2019.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

FY 2018

The Commission's actual expenditure for FY 2018 was \$4,923,199 with 25 FTE authorized.

Commission Review Function - Caseload Data

| | FY 2018 Actual | FY 2019 Estimate | FY 2020 Estimate |
|--|---------------------------|-----------------------------|-----------------------------|
| Cases pending beginning of year | 95 | 37 | 44 |
| Substantive cases | 21 | 9 | 15 |
| Default cases | 74 | 28 | 29 |
| New cases received | 51 | 61 | 61 |
| Substantive cases | 14 | 20 | 20 |
| Default cases | 37 | 41 | 41 |
| Total case workload | 146 | 98 | 105 |
| Substantive cases | 35 | 29 | 35 |
| Default cases | 111 | 69 | 70 |
| Cases disposed | 109 | 54 | 62 |
| Substantive cases | 26 | 14 | 20 |
| Default cases | 83 | 40 | 42 |
| Cases pending end of year | 37 | 44 | 43 |
| Substantive cases | 9 | 15 | 15 |
| Default cases | 28 | 29 | 28 |

Commission Review Function – Strategic Objectives

| Strategic Objective 1.2 Ensure timely issuance of decisions at the appellate level | | | | |
|---|---------------------------|---------------------------|---------------------------|---------------------------|
| Performance Goal | FY 2018 Target | FY 2018 Result | FY 2019 Target | FY 2020 Target |
| 1.2.1 Average time to issuance of decision | 15 months | 12 months | 12 months | 12 months |
| 1.2.2 Average time from briefing completion to issuance of decision | 9 months | 9 months | 9 months | 9 months |
| 1.2.3 Percent of cases on hand over 18 months in age | 20% | 11% | 15% | 15% |

| Strategic Objective 1.3 Issue orders in motions to reopen cases in a timely manner | | | | |
|---|---------------------------|---------------------------|---------------------------|---------------------------|
| Performance Goal | FY 2018 Target | FY 2018 Result | FY 2019 Target | FY 2020 Target |
| 1.3.1 Average time to issuance of final order | 300 days | 250 days | 120 days | 120 days |

Goal 1.2.1 measures the average time period from the date that review is granted to the date of issuance of a decision

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OFFICE OF THE EXECUTIVE DIRECTOR FUNCTION

| Office of the Executive Director Function | | | |
|--|---------------------------|----------------------------|----------------------------|
| Dollars in thousands | | | |
| | FY 2018 Actual | FY 2019 Enacted | FY 2020 Request |
| Budget Authority | \$1,797 | \$1,670 | \$1,670 |
| FTE | 8 | 8 | 8 |

Introduction

The Office of the Executive Director (OED) provides administrative services to support the Commission in fulfilling its mission and strategic goals. The primary functions are financial management, human resources, procurement and contracting, information technology, facilities management, and general administrative service support. The financial management services function includes the areas of budget and accounting, such as budget formulation, budget execution, funds control, financial reporting, and vendor payments.

Human resources covers the areas of recruitment and placement, classification and pay administration, performance management and incentive awards, employee benefits and retirement, personnel security, coordination of employee training programs, and wellness and employee assistance programs.

Procurement and contracting covers specific matters such as maintaining a simplified acquisition program for supplies and services, contract implementation and oversight, and coordination of services and supplies.

Information technology entails hardware, software and network “help desk” functions, network administration, policy formulation, and telecommunications.

Facilities management covers property and space management, organization management, and physical security.

Other general administrative services provided by OED include the administration of employee travel authorizations and reimbursements and the Metro subsidy program.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

The Commission has established the following strategic objectives for OED:

- Maintain and enhance secure electronic information systems for case management, legal research, management operations support, public access to data through the internet, and continuity of the Commission's operations during national emergencies or natural disasters which may disrupt normal office operations
- Recruit, train, and retain a diverse workforce of skilled, highly motivated employees to effectively and efficiently accomplish the Commission's mission
- Develop and maintain a Cybersecurity Risk Management Strategy for the Commission's network infrastructure in order to assess, respond, and monitor risk, to protect the public's resources.

FY 2020

The Commission is requesting an FY 2020 budget of \$1,670,085 and 8 FTE.

FY 2019

The Commission received a budget of \$1,670,085 and 8 FTE for its OED activities in FY 2019.

FY 2018

The Commission's actual expenditure for FY 2018 was \$1,797,240 with 8 FTE authorized.

TABLES

Budget Authority by Object Class

| FY 2020 Budget Request by Object Class | | | |
|---|---------------------------|----------------------------|----------------------------|
| Dollars in thousands | | | |
| | FY 2018 Actual | FY 2019 Enacted | FY 2020 Request |
| Personnel Compensation | 7,685 | 8,743 | 8,743 |
| Other than Full-Time Permanent | <u>0</u> | <u>0</u> | <u>0</u> |
| Total, Personnel Compensation | 7,685 | 8,743 | 8,743 |
| Personnel Benefits, Civilian | 2,153 | 2,296 | 2,296 |
| Benefits to Former Employees | 7 | 10 | 10 |
| Travel and Transportation of Persons | 146 | 166 | 166 |
| Transportation of Things | 7 | 10 | 10 |
| Rental Payments to GSA | 1,894 | 1,987 | 1,987 |
| Communications, Utilities, and Misc. | 436 | 564 | 564 |
| Printing and Reproduction | 15 | 12 | 12 |
| Other Services | 3,271 | 3,004 | 3,004 |
| Supplies and Materials | 202 | 150 | 150 |
| Equipment | 555 | 242 | 242 |
| Total | 16,371 | 17,184 | 17,184 |

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Personnel Summary

| | 2018 Authorized | 2019 Estimate | 2020 Estimate |
|--|--------------------|------------------|------------------|
| Executive Level III | 1 | 1 | 1 |
| Executive Level IV | 4 | 4 | 4 |
| Executive Schedule | 5 | 5 | 5 |
| ES | 2 | 2 | 2 |
| Senior Executive Service | 2 | 2 | 2 |
| AL-1 | 1 | 1 | 1 |
| AL-3 | 12 | 11 | 11 |
| Administrative Law Judges | 13 | 12 | 12 |
| GS-15 | 6 | 6 | 6 |
| GS-14 | 5 | 5 | 5 |
| GS-13 | 9 | 9 | 9 |
| GS-12 | 19 | 16 | 16 |
| GS-11 | 2 | 3 | 3 |
| GS-9 | 4 | 4 | 4 |
| GS-8 | 10 | 10 | 10 |
| GS-7 | 0 | 0 | 0 |
| GS-6 | 1 | 1 | 1 |
| GS-5 | 0 | 0 | 0 |
| General Schedule | 56 | 54 | 54 |
| Total Permanent Full-time Positions | 76 | 73 | 73 |

Average Salaries

| | FY 2018 Actual | FY 2019 Enacted (Estimate) | FY 2020 Request (Estimate) |
|-------------------|-------------------|----------------------------------|----------------------------------|
| Average EX Salary | \$160,400 | \$160,609 | \$160,609 |
| Average ES Salary | \$173,300 | \$176,766 | \$176,766 |
| Average AL Salary | \$174,500 | \$177,990 | \$177,990 |
| Average GS Salary | \$95,322 | \$96,223 | \$96,223 |

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

**Amounts Available for Obligation
(in millions)**

| | FY 2018 Actual | | FY 2019 Enacted | | FY 2020 Request | |
|---|-------------------|----------|--------------------|----------|--------------------|----------|
| | FTE | Amount | FTE | Amount | FTE | Amount |
| Appropriation, total estimated obligations | 76 | \$16.371 | 73 | \$17.184 | 73 | \$17.184 |

**Summary of Changes by Budget Authority
(in millions)**

| Budget Authority | FY 2018 Enacted | FY 2019 Enacted | FY 2020 Request | Net Change (FY 2018 to FY 2019) |
|----------------------|--------------------|--------------------|--------------------|------------------------------------|
| Appropriations | \$17.184 | \$17.184 | \$17.184 | \$0 |
| Full-time Equivalent | 76 | 73 | 73 | (3) |

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Appropriations and FTE History

| Fiscal Year | Budget Estimate to Congress | House Allowance | Senate Allowance | Appropriation | FTE ¹ |
|--------------|-----------------------------|-----------------|------------------|-------------------------|------------------|
| 2009 | 8,653,000 | 8,653,000 | 8,653,000 | 8,653,000 | 50 |
| 2010 | 9,857,567 | 9,857,567 | 10,358,000 | 10,358,000 ² | 63 |
| Supplemental | | 3,800,000 | 3,800,000 | 3,800,000 ³ | 17 ⁴ |
| 2011 | 13,105,000 | 13,905,000 | 15,755,000 | 10,337,000 ⁵ | 63 |
| 2012 | 22,417,000 | – | 17,637,000 | 17,604,000 ⁶ | 72 |
| 2013 | 16,000,000 | -- | -- | 16,683,000 ⁷ | 74 |
| 2014 | 16,423,000 | -- | -- | 16,423,000 | 76 |
| 2015 | 17,601,000 | -- | -- | 16,751,000 | 76 |
| 2016 | 17,085,000 | -- | -- | 17,085,000 | 79 |
| 2017 | 17,184,000 | -- | -- | 17,184,000 | 79 |
| 2018 | 17,053,000 | -- | -- | 17,184,000 | 76 |
| 2019 | 17,053,000 | | | 17,184,000 | 73 |
| 2020 | 17,184,000 | | | | 73 |

¹ FTE for FY 2013 and before represent the FTE ceiling given budget authority, not the actual FTE.

² Reflects Senate approved mark-up of \$500,000 pursuant to P.L. 111-117.

³ Reflects supplemental funding of \$3,800,000 pursuant to P.L. 111-212.

⁴ Temporary FTE provided July 29, 2010—July 28, 2011 though FY 2010 supplemental appropriation. The Commission carried this staff over for the last two months of FY 2011, using FY 2011 funding.

⁵ Reflects reduction of \$21,000 pursuant to Sec. 1119(a) of the Department of Defense and Full-Year Continuing Appropriations Act, 2013, P.L. 112-10.

⁶ Reflects reduction of \$33,334 pursuant to Section 527(a) of the Consolidated Appropriations Act, 2013, P.L. 112-74.

⁷ Reflects the post-sequester 2013 Continuing Resolution level.